

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

APPEAL NO.865 OF 1999

IN

NOTICE OF MOTION NO.250 OF 1999

IN

SUMMARY SUIT NO.1752 OF 1997

...

Tata Tea Limited

...Appellant

(orig.Defendant No.2)

v/s.

Mrs.Indu Shamlal Dewandas Kishnani

and ors.

...Respondents

...

Dr.V.V.Tulzapurkar, Sr.Counsel with Mr.Palkhiwala
i/b Little & Co. for the Appellant.

Mr.Milind Vasudeo with Mr.Hitesh S. Jain i/b
M/s.Thakordas Madgaonkar for the Respondents.

...

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 30TH AUGUST, 2007

P.C.:

By consent of parties, Appeal is disposed of in following terms:

(i) The order dated 12th July,1999 passed in Notice of Motion No.250 of 1999 is set aside.

(ii) The order dated 13th July,1998 passed by the learned single Judge of this court in Suit No.1752 of 1997 is set aside as against Defendant No.2 only.

(iii) The vakalatnama filed on behalf of the Defendant No.2/Appellant in this Appeal is treated as vakalatnama filed in the suit itself.

(iv) The Plaintiff shall be at liberty to take out a

summons for judgment against the Defendant No.2. In case such a summons for judgment is taken out, Defendant No.2 shall be free to contest it, but shall not raise a ground of delay in taking out of the summons for judgment.

(v) In case such summons for judgment is taken out, it goes without saying that the learned single Judge shall hear it in accordance with law.

(vi) The Appellant shall pay to the original Plaintiff Rs.5000/- as and by way of costs of this Appeal.

(D.K.DESHMUKH, J.)

(J.H.BHATIA, J.)